GENERAL AND REVENUE SECRETARIAT.

1900-1
(Muzrai)

File No. 31 (Section II)

Serial Nos. 1 – 31.

Papers Filed.

Month August 1908.

SUBJECT.

File re the payment of Compensation for the Sites of the Syedanbi Makkan taken for the Extension of the Mysore Road near the Victoria Hospital, Bangalore City.

PREVIOUS REFERENCES

LATER REFERENCES.

17. 116 – 08

Note

Correspondence ending with the Bangalore Deputy Commissioner's Letter No. 1748 dated 5th June 1901 regarding the re-Construction of Sydanibi Makan in the Bangalore City.

The Sydanibi makan in the Bangalore city near the Victoria Hospital is endowed with some Inam land from Government and is therefore a mezra in Justice

The

2. The Deputy Commissioner
of the Bangalore District in
his Letter No 1240 dated 11th
February 1901, stated that
the Makan building he were
taken up for the extension
of the Victoria Hospital
Compound and that a
Compensation of Rs 918-4-0
was settled therefor, and
~~authorised~~ sent a Cheque for the
said amount.

3. The Cheque was returned* to the Dy Comr with instructions that it should be duly credited and the amount invested in the Government Saving

Bank

* With this Office Docket-
No 973 dated 8th
March 1904.

Bank in favour of the Trustee
in the name of the Amildar
of the Bangalore Taluk as
the local mugrai Officer
the interest accruing thereon
being paid half yearly to
the manager of the Institution
for lighting and other
Expenses.

4 An Endorsement* was
also issued to the Makundars
informing them of the above
in reply to their petition.

no 659 dated 18th
march 1901.

5. The Makundars thereupon presented a second petition to this Office praying that out of the Compensation money of Rs 918-4-0 vested in respect of the portions

Of the old makan building
taken up for the new Victoria
Hospital a sum of 4 or 5
hundred rupees might be
paid to them for reconstruction
the makan. This petition was
forwarded ⊗ to the Dy Comr
enquiring whether the re-
- construction of the makan
was necessary and if so
what the cost of the construction
would be.

⊗ With Docket no 1052 dated 16th April 1901.

6. In reply the Dy Comr
now ⁂ states that the recon-
- struction of the makan is
considered necessary,
that the petitioners urge
that it should be build-
on

⁂ In his letter no 1748 dated 5th June 1901

on the makan ground
available close to the makan
and that the cost of
building it would be
about Rs 1000/-

No regular Estimate
has been received for the
~~work~~ proposed work

~~Submitted for orders~~

Jos
11/6/01

I shall see this shortly HH
14/6/01

Subd to the Dewan

9. I visited the place yesterday. A pretty large portion of the Makan (consisting of mud houses) has been taken up for the widening of the road opposite the Victoria Hospital and only a small portion left. The tomb of the saint has thus become separated and

stands alone on the road
Encircled by an ornamental
wall put up on the occasion
of the Viceroy's visit.

10 It seems but proper
that a new Makan should
be built pulling down the
portions of the houses now
left

11 A regular plan &
estimate may be called for
(estimate ~~not to go~~ to be well
within the compensation
amount). The work may be
ordered & be executed by
the Dt Com^r

11/7/07

17 VIII 07

Muzrai Secretariat. | File No. of 190

Note continued.

Offic no 263 Dy 21.8.01. A

12 An estimate for the reconstruction of the Makkan was called for as directed Before the Estimate was received, however Mr. R.K Venkatavaradiengar had been succeeded by Mr. M. S Narayana Rao as Deputy Commissioner of the Bangalore Dt

His no. 896 Dy 5 2.02. B

The latter Officer reported in February 1902 that no formal award of compensation had been made in connection with the acquisition of the Makkan lands and that as the Makkandar did not agree ~~as~~ to the amount of ~~award~~ compensation payable to him, he had forwarded the records of the case to the Sub Judge of Bangalore for adjudication, and that therefore he would submit the estimate after the case was settled.

His Office no. 1345 Dy 4.3.02.

13. Thereupon the Deputy Commissioners attention was directed to a previous communi-

File No. of 190 | Muzrai Secretariat.

of his predecessor, the substance of which is found in para 3 of this note, and he was requested to report what action had been taken in the matter of the encashment of the cheque for Rs 918- 4-0 and whether the amount had been deposited in the Savings Bank in the name of the Bangalore Amildar in favor of the Institution. He was at the same time informed that the Makkan in question being a Muzrai Institution, it is the Govt and not the Makkandar in his individual capacity that was entitled to the compensation amount.

4- In reply, the Deputy Commissioner reported that the cheque was cashed and the amount invested in the Taluk Treasury and that the records of the case had been sent to the Sub Judge's Court for adjudication on the claims of several persons to the compensation amount

His no. 1156 A/15 4-02. D

Muzrai Secretariat.	File No. of 190
	Orders were thereupon issued to the Deputy Commissioner directing that the claim of the Muzrai Department for the compensation amount should be duly represented by him in the said Court.
Govt. P.O. No. 1982 E. dt 6.1902	15. The Deputy Commissioner Mr. D.
Paper under disposal	Devaraj Urs has now submitted a detailed report on the subject forwarding copy of the Judgment in the case pronounced on the 4th June 1903. From the Judgment it is observed that the Deputy Commissioner figures as the Plaintiff, and the Amildar as representing the Muzrai Department and 5 others who are either alienees of the Makkan lands or those claiming under them as Defendants. The 7th and the 8th Defendants claimed the full amount of compensation under a document purporting to be a Power-of-Attorney appointing them as managers

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of the Makkan and they subsequently contended that the Makkan lands were inalienable The Sub Judge observes in his judgment that the Plaintiff (the Deputy Commissioner) did not concern himself with the contention, and that the Amildar on whom rested the burden of proving the inalienability of the Makkan lands did not do anything beyond producing an entry in the Quit Rent Register and an account book. He accordingly held that the lands were alienable (Vide Para 21 of his judgment) and taking in to account the rates of the locality prevailing at the time of the acquisition of the Makkan lands, the Sub Judge fixed the compensation amount at Rs 1,000/- with 15 per cent thereon from the date of the acquisition and decreed that the amount should be distributed among the Defendants excluding the Amildar and the 7th and the 8th Defendants

Muzrai Secretariat. | File No. of 190

16. In submitting the records, the Deputy Commissioner states that the question now raised is of frequent occurrence and that he is of opinion that the case is not covered by the Notification No. 266, of the 17th November 1877, relating to the resumption of the alienated Inam lands as the Notification concerns itself with the alienation of such of the lands as are endowed to religious institutions for their support and not to the actual site surrounding such institution and not forming an essential part of it Even if it is deemed to apply, the Deputy Commissioner doubts how far it will override the Mohomedan Law of Gifts. 17 ~~Embracelled~~. He further reports that two of the Judgment debtors have taken out execution against the Deputy Comm^r. for payment of the amounts due of

File No. of 190 | Muzrai Secretariat.

compensation awarded to them

Submitted with a draft

21/12/05 Issue the draft put up

22/12/05

Note continued.

In the draft, the Superintendent of Inam Settlements was requested to favour Govt with his opinion as to whether the site in question which belonged to the Makkan was an alienable property and whether the compensation amount paid therefor could be paid to the defendant for their personal benefit. He was also requested to quote the authorities, if any, under which Devadaya Inam lands were directed to be treated as inalienable.

In reply, the Inam Superintendent stated that the Makkan had once been endowed with Inam lands in Doddabailakkane village of the Bangalore Taluk but that they were taken up for "Model Farm and that therefore the Makkan had

MGCPB—2,500—1-8-05

Muzrai Secretariat. | File No. of 190

no inam lands at present. He however stated that the lands referred to in the Deputy Commissioner's letter, viz Survey No. 14 of the Bangalore Taluk belonged to Attavala Sha Dargah

As regards the payment of the compensation amount to the Makkandars, the Inam Superintendent ~~was expressed the opinion~~ stated that the lands (kere) surrounding the Makkan not being Inam lands, he was unable to express any opinion thereon.

The Inam Superintendent also stated that beyond what is in the Inam Rules and the Revenue Manual, there was no express authority or order of Govt. regarding the inalienability of the Devadaya Inam.

Copy of the above was forwarded to the Deputy Commissioner pointing out the ~~inaccuracy~~ mistake regarding the ownership of the Inam lands ref.d to by him, and he was asked to what action he would propose to take in the matter

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The Deputy Commissioner thereupon reported that the lands referred to by him were at present in the possession and enjoyment of the manager of the Sydani Makkan only and that the latter alone has been paying the Govt. dues thereon. He further stated that even supposing that the Makkan inam lands had been acquired for the "Model Farm the institution should be classed as a Muzrai Institution He also applied for orders in the matter of the payment of the compensation amount as the Sub-Judge of Bangalore was pressing for the execution of the decree noted in para 15 of this Note.

Copy of the above communication of the Deputy Commr. was forwarded to the Inam Supdt the latter officer now states that the Amildar of the Bangalore Taluk reports that although the land in question is an Inam of the Makkan, it was wrongly entered in the Wahivat Patrik as having been taken up for the Model Farm and sent to the Survey Office for the preparation of the Jarab Patrik. He further states that the Survey Superintendent has

Muz. 8A]

Muzrai Secretariat.	File No. of 190

sent a fresh Wahivat Patrik to the amildar for being correctly filled in, and that on receipt of the correct information by the Survey Supdt from the Deputy Commissioner, needful steps will be taken by him (ie the Inam Supdt) and the result reported to Govt.

Subd) The papers may be referred to the Govt. Advocate for favour of his opinion on the question raised by the D. Commr. in his letter No 388 dt 18th Nov... &c.

Y&S. 28/9/04

GA
Agreed
GA
Issue 10/10/04

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Muz. 8A]

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Note contd.

The Govt Advocate was written to as directed on the previous page. In reply, he states as his opinion that as the Makkan in question has been held by the Subordinate Judge to be a private property it is but right that the value of the site of the Makkan should go to the heirs of Sydani, the original proprietress, and that Govt cannot claim the amount simply because they endowed the private institution with an inam. The Govt Advocate adds that as the Makkan itself has disappeared?, the Govt is at liberty to resume, if it has not already resumed, the inam? granted for its upkeep

The Deputy Commissioner, in his letter No 35, dated 18th September 1907, states that the execution cases for payment of the compensation amount awarded have been adjourned to

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18th November 1907 for hearing and solicits instructions in the matter before that date

Subd

Note contd

The Deputy Commissioner has again addressed Govt on the above subject, stating that the Sub Judge of Bangalore has adjourned the execution cases to the 6th December 1907 for the last time with the observation that no further adjournment can be granted, and has forwarded a copy of the Sub. Judge's communication. The Deputy Commissioner requests solicits early orders in the matter

Submitted

P. T. O.

Muz. 8A]

Muzrai Secretariat. File No. of 190

Submitted

The Govt Advocate says in one word that as the Makkan has been held to be a private property the value of the site of the Makkan should go to the heirs of Sydani the original proprietress & that Govt cannot claim the amount simply because they endowed the private instn with an inam

The above view does not seem to be quite correct. All instns private or Govt — become Muzrai instns when inam lands are granted to it for support, and the Govt in the Muzrai Dept become thereafter their custodians. In the particular case, the Makkan was endowed with inam ...

GPB—3,000—22-6 06

and even so far back as 1895
complaint petns were received
in this office from Fatma Bi
wife of Hussein Sha - then Makkandar
of the inam, representing that
her son was alienating the inam
lands &c by mortgage &c and before
the receipt of a report from the
D/comm the Makkam was
acquired for the extension of the
Victoria Hospital & a compensation
of Rs 918-4-0 settled therefor &
the amount invested in the Savings
Bank in the name of the Amildar
on behalf of the Makkam
Upon a further representation
from Khader Sha & Fatma Bi
they were informed that the half-
yearly interest on the amount of

Muzrai Secretariat. | File No. of 190

be disbursed to them for Chiaki &c - The Makkandars also prayed that out of the compensation money, a few hundred rupees may be sanctd for reconstructing portions of the Makkan

All this shows that the Makkan is a Govt Muzrai instn under Muzrai management the Makkandars also acquiescing in such management.

Next, the Govt Advocate says that the Makkan has now disappeared & that the inam lands should therefore be resumed

This view also is not quite correct as a matter of fact, the tomb which was the object of worship

GPB—3,000—22-6-06

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Makkan, now actually exists with an ornamental compound wall round it in front of the Victoria Hospital.

As regards the niam land endowed to the Makkan, it was wrongly noted by the Amildar as having been taken up for the Model Farm. Upon this the Farm superintt has reported that needful will be done after receipt of a report from the Dy Commr which he has called for. This however has no bearing upon the question at issue before the Court

The case has been posted for final hearing on the 6th Dec 1920 and the views or orders of Govt have to be communicated before that date.

Forwd.
Mr Myth

Muz. 8A]

Muzrai Secretariat. | File No. of 190

Note contd.

The Inam Superintendent now reports that Sur: No. 14 of Doddabailakhane village in the Bangalore Taluk endowed to the Sydani Makkan in the Bangalore Atg was not taken up for the "Model Farm", but that Sur: No. 130 of that village belonging to the Attavulla Sha Dargah was so taken up and that therefore the needful corrections will be made in the Inam and Quit Rent Registers. A draft order recording the above communication is submitted herewith.

Orders are solicited in the matter of the payment of the amounts due to the several claimants under the decree of the Sub-Judge's Court out of the amount of compensation awarded for the sites of the Sydani Makkan taken up in connection with the construction of the Victoria Hospital in the Bangalore [illegible]

Sub-d

Ul 11/7/06

GPB—3,000—22-6-06

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The Dy Comm^r maybe asked to satisfy the decrees

73 2nd (?) 24/7/08

G&B 24/7/08

I do not agree with the Govt Advocate. The Compensation is not payable to the decree holders. The Muzrai Deptt should send for the parties, and come to an understanding as to how the money is to be disposed of. A new makan may be built or some such thing. At any rate the money cannot be paid to the men to be spent as they like

HHN 23/7/08

136 Draft letter as above is approved.

The new Dy Comm^r should take up this question & come to a settlement

HHN 7/8/08

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Issue draft

To

The Asst. Supt. in Mysore.

D. C., Bangalore.

No. 896-7 A/27.8.08.

Records the Asst. Supt's letter No. 155 A/25.6.1908. with the observation that the revised Asst Register of Asst lands of Doddaballkhane' village belonging to Sydani Makkan, Bangalore, should be forwarded to this office

To.

The Dy. Comr., Bangalore.

No. 898 A/27.8.08.

Requests him views for the several Claimants concerned

GPB—3,000—25-9-07

Muz. 8 A]

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Serial No.

and house his good offices with them and come to an understanding as to how the money may be best utilized for the benefit of the Makkan—

NOTE.– Contn sheet.

GPB – 50,00017—3-07

Vide no 2-3-01 TK- 26/2

1900 01 511

From

The Deputy Commissioner
of the Bangalore District

To

The Secretary
to the Government of Mysore
Muzrai Department

Dated 11th

Despatched 13th February 1901

Received

General No.
No. D. 1213

Enclosure No.

Subject—

Syadamb makhan
building ebe here taken up
for the extension of the Victoria
Hospital Compound and Rs 918/4/-
being the compensation amount
therefor, have been sent for
disposal.

Subd. from the Asst Rent Rey
I find that the Makan-eyys.
of land 6 the extent of
P-6 under T.D no 135 2 1 Bags
775
Tk- Asst. 26/2

Vide no 973 dy 8-3-01

Bangalore District
Dy. Commissioner
Bangalore 11/4/10.

To

The Secretary to the Government of Mysore
Mauzrey Department

Sir,

I have the honor to state that Syadanibi makkan building &c, were acquired for the extension of the Victoria Hospital compound at Bangalore and a Compensation of Rs 918/4/- awarded therefor.

2. As the institution belongs to the Mauzrey department a cheque for Rs 918/4/- is sent to you herewith, so that you may dispose of it as you think best.

3. An acknowledgment is requested.

I have the honor to be
Sir
Your most obedient servant

[signature]

To Dy. Commissioner,
Bangalore District.

Del

Del the to draw the cheque from the Bangalore Treasury
18/2/10

Received in the Office
[illegible]

MUZRAI

189

From

To

The Dy Comr,
Bangalore District

Dated 8th March 1901

Despatched 9th

Received

General No. 973

Muzrai F. No.

Enclosure No. 1 Cheque for Rs 918-4-0

His Letter No 1240 dated 11th February 1901 forwarding a Cheque for Rs 918-4-0 being the amount of Compensation payable for a portion of the Syadamilli Inaddam at Bangalore taken up for the extension of the compound of the Victoria Hospital in Bangalore City

With reference to the above has the honor to state that on referring to the Quit Rent Register it is observed that the

Markkon in question is a Muzrai Institution being endowed with some Inam lands from Gowk ~~and that~~ it is therefore a Muzrai ~~Institution~~. The amount by bonor is ~~then accordingly~~ Therefore requested to have the cheque in question, which is herewith noted duly cashed and have the amount invested in the Gowk Savings Bank in favor of the Institution in the name of the Amildar of the Bangalore Taluk as the local Muz officer the interest accruing thereon being paid ~~quarterly~~ half yearly to the Manager of the Institution for lighting and other expenses.

By order

Muz Secretary

MUZRAI

~~189~~ 1901

From

To The Dy Commr Bangalore

Dated 16th April

Despatched

Received

General No. 105-2

Muzrai F. No.

Enclosure No. 1

In cont.n of this office No 973 dy 8th March 1901 has the honor to forward herewith a petn No 1145 dy 9th April 1901 from Fatma Bi and Khader Sha Makandars of the Syedana Makan in Bangalore City requesting that out of the compensation money of Rs 918-4-0 received in respect of the portion of the old Makan building taken up for the new Victoria

Hospital, a sum of
four or five hundred rupees
may be paid to them for
reconstructing the Markam

2. The Dy Commr is
requested to report
on the foll[owing] points:
(1) whether the re-construction
of the Markam is necessary
(2) If so, what will
be the cost of the
Construction?

3. An early reply is
requested

By order

A1
Mirzapur

(General Serial No. 30.)

1900 | 1901

From The Dy Commissioner of the Bangalore District

To The Deputy Secretary to Govt of Mysore Revenue Dept

Dated 5th
Despatched 6th } January

Received

General No. } 190
D *No.* 1747

Enclosures Number. 5

Late Mysore Secretary's docket No 1052 of the 16th April 1901 Submits report on the petition of Fatima Bi & Khadarsha Makkandar [illegible]

OFFICE OF THE DEWAN OF MYSORE
RECEIVED
Date 7-6-01
REG. No. 750
MUZRAI BRANCH

Bangalore District
Dy. Commissioner's Office
Bangalore, 5th June 1901

To
The Deputy Secretary
to the Government of Mysore
Genl. & Rev. Depts.

Sir,

With reference to the late Peuzzrar Secretary's docket No. 1052 dated the 16th April 1901 forwarding for report the petition of Fakrabi and Khadersha makandars of the Sycdaini makan in the Bangalore city I have the honor to state that the reconstruction of the makan taken up for the Victoria hospital is considered necessary, and the petitioners urge that it should be built on the makan ground available close to the old makan. The cost of building it would be about 1,000 Rs. —

2. The vernacular papers bearing on the subject are submitted for

reference together with the petition received with the docket under reply.

I have the honor to be,
Sir,
Your most obedient servant
[illegible]
Dy. Commissioner of the
Bangalore District

C.U.

Dft

S/5

MUZRAI

1901

From

To The Dy Commr
Bangalore Distt

Dated 21 August 1901

Despatched

Received

General No. 263

Muzrai F. No.

Enclosure No. 1 file

Adverting to his
letter No. 1948 of 5th Jun
1901 reporting on the
re-construction of the
Syedani Makkan near
the Victoria Hospital
Bangalore City, has
the honor to observe
that it seems but proper
that a new Makkan
should be built-pulling

MGCPB—11-1-1901—1500

portions of the
Town the houses now
off But before passing
final orders in the matter
the Dy Comm is
requested ~~to be so~~ at an early date
~~so as~~ to submit a
regular Plan and Estimate
Estimate to be well within
the Compensation amount
in deposit at the credit
of the Trust.) for sanction
2 Encls this letter
under reply are returned
herewith for re-submission

By order

Dewan Bahadur

20/8/21

Dy Secretary

1901/02

FROM The Dy Commissioner Bangalore District

To The Dy Secretary to the Govt of Mysore Muzrai Dept

Dated 5th & 6th February 1902

Despatched

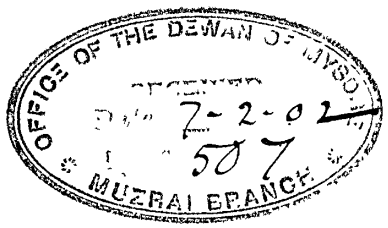
Received

General No. D No. 896.

Enclosure No.

Dy Secy's docket No 263 of the 21st August 1901.

States that the plan and estimate for Constructing Syedani Mokham near the Victoria Hospital Bangalore city will be submitted after the Case for Compensation is settled



GA

Submitted

may be recommended with the remark that the report promised is awaited

Sd

7/2/02

Bangalore District
Deputy Commissioners office
Bangalore 5th February 1902

From,

M. S. Narayan Rao Esquire,
Deputy Commissioner,
Bangalore District.

To

A. Anantasawmy Rao
Esquire B.A.
Deputy Secretary to the
Government of Mysore
Mysore Department

Sir

With reference to your
Docket No. 263 dated 21st.
August 1901 calling for a
plan and an estimate for
the reconstruction of the
Syedani Mokkan near the
Victoria Hospital Bangalore
etc, I have the honor to
state

State that on a perusal of the records, it was found that no formal award had been made in connection with the acquisition of this land, in accordance with the Land acquisition Act. The applicant who claims the amount of compensation does not agree to the amount already fixed and it appears doubtful whether he is entitled to any amount at all. The case has been posted for hearing on the 3rd March 1902. The plan and the Estimate will be submitted when the case is settled.

I have the honor to be
Sir
Your most obedient servant

Dy. Commissioner
Bangalore District.

Dft as approved

2

No 1345
D/ 4/3/02

To

The Dy Commr

Bangalore Dt

Sir

I am directed to acknowledge receipt of your letter no D 896 dated 5th February 1902, in the matter of the reconstruction of the Sydenham Workmen Near the Victoria Hospital in the Bangalore City.

2. It is understood from your ~~letter~~ present no formal award of compensation ~~has been~~ had been made in connection with the acquisition of the Workmen Land in question.

Work

the Land Acquisition Act.
and that you feel doubtful
whether the Muhammadans is
entitled to any Compensation
at all.

3 In this connection
I am to invite your
kind reference to your
predecessor's letter No
D 1240 dated 11th February 1901
to the address of the late
Municipal Secretary, stating
that a Compensation of
Rs. 918-4-0 was settled
for the portion of the
Muhkum building, acquired
for the Victoria Hospital,
and forwarding a Cheque

for the said Compensa-

tion amount-

4 The Cheque was returned

to the Dy Commr with the

Late magistrate secretary's

Docket-no 973 dated

8th march 1901, with a

request- that- ~~he~~ cheque

it- should be duly cashed

and the amount- invested

in the Govt- savings

Bank in the name of the

Assistant of the Bangalore

Taluk as the local

magistrate officer. What

action was taken on

receipt- of the Cheque in

question and whether

the cheque

Whether ~~Ramakotaiah~~ was

actually credited and the

amount invested in the

Govt. Savings Bank, ~~and~~
should now be reported.
~~He finally not clearly~~

~~answered from the~~

~~Your personal Communication~~

It is presumed
5 Whether the matter
~~It~~ it
had is only after the

question of compensation

was finally settled & by

that
Your predecessor ~~for~~

~~Rs 918-4-4, he must~~

~~have~~ sent the cheque for

Rs. 918-4-4
~~the~~ credit ~~received~~ to this

Office. Further, the

Marksman in question being

a Mugger in Institution

employed with Summ Lucas &

it is the Surveyor's Department
-ment that is entitled
to in the payment of Compensa
-tion and not the Workmen
-dar in his individual
capacity.

6 Under these circum-
stances I am to observe
that there could have
been no necessity to re
open the question of Com-
pensation now issued All that
the Court required
was the submission of a report
Plan and
Estimate (Estimate
to be well within the
Compensation amount

Of Rs 918-4-11 already

settled by your predecessor)
for the re-construction of the
~~road bridge~~
~~which were accordingly~~
Makan building vide
~~called for~~ in His Office

Docket-No 263 dated 21st

August 1901.

7. I am therefore to request
you will be good enough to submit
that a detailed report
together with sketches to Govt
having in view all the
previous correspondence
as set forth ~~in the~~ above
~~process~~

I have &c

1/3/02

Dy Secretary

Magrs ni Dept

K/

Y.L.6

1901/02

FROM The Dy Commissioner
Bangalore District

To
The Dy Secy to the
Govt of Mysore
Mujrai Deptt

Dated 15th
Despatched 17th } April 1902
Received

General No.
D No. 155

Enclosure No.

OFFICE OF THE DEWAN OF MYSORE
RECEIVED
Date
REG No 743
MUZRAI BRANCH

17/4/02

Submitted for orders

hr
17/4/02

~~The Dy~~
Call for a copy of the plaint
Tell the Dy Comr that the
claim of the Mujrai Deptt
should be duly represented
before the Court —
YL
2/6/02

By Secy's letter No. 1345 of the 4th March 1902.

Submits particulars regarding the lands taken for the Victoria Hospital from Sy Lain Makkan in the Bangalore city and states that the plan and estimate will be submd for orders after the claims have been settled

Vide 1982 dt 6/6/02

Off' Rs 918-4— as above

-Letter of by your predecessor)
for the re-construction of the
~~and bungs~~
~~which were accordingly~~
Makan building- vide
~~called for~~ Her's Office

Docket-No 263 dated 21st

August- 1901.

7. I am therefore to request-
you will be good enough to submit-
~~must~~ a detailed report-
~~together~~ to Govt,
having in view all the
previous correspondence
as well- further ~~in~~ advance-
~~process~~.

I have &c

1/3/02

Dy Secretary

Municipal Dept

kv

attached to it, and therefore no one has any authority to alienate any part of land attached to it and that any unauthorized alienation will not be valid

3. I shall submit the plan and the estimate called for, for the sanction of Government, after the claims have been settled by the Sub Judge.

I have the honor to be,
Sir
Your most obedient Servant,
Illegible
Deputy Commissioner
for

Bangalore District

Dr No 1156 Deputy Commissioners Office

Bangalore 15th April 1902

From,

M. S. Narayana Rao Esq

Deputy Commissioner

Bangalore District

To,

L. Anantasama Rao Esq BA

Deputy Secretary to the

Government of Mysore

Muzrai Department

Sir,

With reference to your letter No 1345 dated the 4th March 1902 calling for certain particulars regarding the lands taken for the Victoria Hospital from Sydani Makkan in the Bangalore City, I have the honor to state that the whole record has been forwarded to the Sub Judge, Bangalore for the adjudication of respective claims brought by different individuals and for the award of compensation under the Mysore Land Acquisition Regulation.

2. The lands in question were valued at Rs 918-4-0 by the previous Deputy Commissioner and therefore a cheque for Rs 918-4-0 was issued, which was cashed as per Mazrai Secretary's Memo C-No 973 dated 8th March 1901 and the amount kept in the Bangalore Taluk Treasury in the Government Savings Bank. It is contended that this is a Muzrai Institution and has got Jodi Inam lands attached

1906/1 9 A 11

Mysore S L 9

Read:—

Letter No. D 1156 dy 15th April 1902, from the Dy Commr Bangalore District stating that the entire records connected with the award of Compensation on the lands lo taken up for the Victoria Hospital from the Syedans makkan Bangalore city have been forwarded to the Sub Judge, for the adjudication of the respective claims brought forth by different individuals; and that the valuation on the lands in question, viz- Rs 918-4-0 has been deposited in the

1900/1902 R11

R10

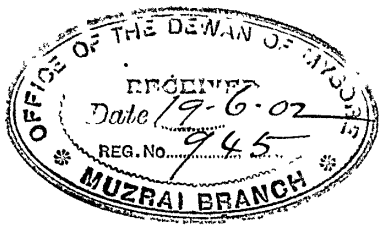
190/2

FROM

The Dy. Commissioner
Bangalore District.

To

The Dy. Secretary to the
Govt. of Mysore
Revenue Dept.



Dated 17th

Despatched 19th June 1902.

Received

General No.
D No. 1436

Enclosure No. one

Submitted

This may be simply recorded for the present

RS
22/6/02

Govt. Pro. No. 1982 of 6th June 1902.

Forward copy of letter to the Sub Judge Bangalore for adjudication of claims, in the award of compensation to the Syedani Makkam

Vide no 2094 d/25/6/02

Bangalore District

By Commissioner's Office

Bangalore 17th June 1902

From,

H. H. Sparke, Esqr

By Commissioner

Bangalore District

To,

L Ananta Ram Rao Esqr

By Sec'y to the Govt.

of Mysore

Mysore Department

Sir,

With reference to Government

Proceedings No. 1982 dated 6th June 1902

directing to represent the claim of the

Mysore Department for the Compensation

Amount

Amount awardable to the Syadani Makka

Bangalore City, and calling for Copies

of plaints, I have the honor to

forward herewith Copy of this Office

letter No R 1832 dated the 15th March

1902 addressed to the Sub-Judge Bangalore

for adjudication of the respective claims

in the matter.

Public Prosecutor has been written to on the

subject for Conducting the Case.

I have the honor to be

Sir

Your most obedient Servant

By Order

[illegible]

1901/1902 SR
Rec 1892

From. M.S. Narayanrao Esq
Deputy Commissioner
Bangalore &c—

To
S. Venkataravadanuya
Subjudge
Bangalore

Dated 15th March 1902

Sir,

I have the honour to forward the accompanying records (as per Memorandum attached) in connection with the acquisition of certain buildings and vacant lands belonging to the Syedani Makkan at Bangalore for the use of the Victoria Hospital, for the requisition of

respective claims brought by different traders
and for the award of compensation under
the Hyderabad Acquisition Regulation
2. The lands and buildings are indispensably
necessary for the public purpose aforesaid
& plans, and were numbered as No 9184-0
& particulars of lists in the Records.
The amount was deposited in the
Government Savings Bank in favour
of the Institution in the name of the
Circular of Bangalore Sales made
& order No 219 dated the 12th June
1901
3. It is contended that there is a Nuzrat
Institution and has got pucca houses
lands attached to it No one has any
authority to alienate any portion
of lands attached to it and the al-
any unauthorized alienation will
not be made

I, Gulam Rasool Khan and Mahamad

Ibrahim purchasers of portions of vacant
land and buildings, from the heirs
original grantee Hajisheik Ahmed
Saib, claim Rs 5000 as compensation
for the portion illegally purchased by
them

5 One Chelawamma mortgagee of a
building out of the Makkan, by party
from Makkoji and others heirs of Lakke-
-na Angadi Hanyappa, illegal purchases
of the Makkan property claims Rs 130

6 Butchamma mother and Malleshan-
mudayya brother of Gerawwa, the same
as guardians of Gerawwa minor made
of Mallesh Yallappa mortgagee of one
of the buildings of the Prishtikan
from Subbawwa (the illegal absence
Claim Rs 90 which the mortgagor Subbawwa
claims the balance of the, inquiry Rs 40
to the mortgage

7 One Ismail Saheb and mortgaged

was made a registered deed of manage-
ment in the case of Prathmabai and Khadar
in favour of the said Sitabai accepting thus
award awarded by me namely Rs 918-4-0
and contend that the said settlement
made were unauthorized & illegal
and void and pray that the Inam service
may be held not alienable
under any circumstances and therefore
will and void and pray for arrange-
ment being made for the due dis-
charge of the ceremonies in the Institu-
tion, &c

5. Under these circumstances I beg
that you will be good enough to adjudicate
the rights of persons interested in the
said Inam.

The said Schedule and Statement
are enclosed, forwarded &
I have the honor to be,
Sir,
Your most obedient servant,
(Sd) M. S. Narayan Rao
Superintendent Inam settlement

Mysore 2/12

Read:—

Letter No. 1428 dy 17th June 1902, from the Dy Commr., Bangalore Dt., forwarding a Copy of a letter addressed by him to the Sub Judge of Bangalore for the adjudication of the claims preferred in the matter of the compensation amount awardable to the Syedani Makkan re the Victoria Hospital Bangalore city.

No. 2074 Mus 747.01 dy 25th June 02

Order thereon.

Recorded

Bg,
24-6-02.

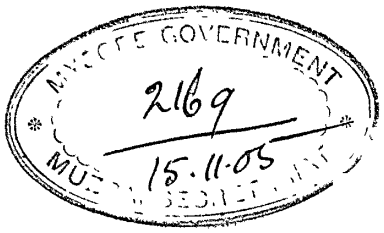
Dy Secy
Mus Deptt

To The Dy Commr Bangalore Dt

Rs

SL 13

1905-6



From
The Dy. Commissioner
Bangalore Dist

To
The Secy. to the Govt. of Mysore
Mazrai Dept

15/11/05

6.12.05

Dated 13
Despatched 15 November 1905
Received
General No.
M. S No. 38
Enclosure No. 1 & 16 Bills

Submits for orders
records connected with
the Sydani makan in
the Bangalore city

M. S. 38

Office of the Deputy Commissioner,

Bangalore District.

Dated, Bangalore , 13th November 1905.

From,

D. Devaraj Urs , Esquire ,

Deputy Commissioner ,

Bangalore District.

To ,

L. Anantasami Rao , Esquire , B.A.,

Secy. to the Govt. of H.H.the Maharaja of Mysore.

Muzrai Department , Bangalore.

Sir,

I have the honor to forward for consideration and orders the enclosed records connected with the Sydani -- Makan in the Bangalore City.

S.No.14 Dry 0 - 3) Assessed at Rs.3/-
Wet 0 -20)

The institution known as the Sydani Makan is situated near the municipal market in the Bangalore City and consisted of a tomb and some land surrounding it containing some shops etc. The institution is endowed with the marginally noted Inam land, which is shown in the Inam Register as a Devadaya grant for the support of the Makkan.

The tomb is supposed to contain the remains of a female fakir called Rahimamsha Sydani. The origin and history of the institution are described in some detail in the Judgment in case 456 of 1894-95 on the file of the Munsiff of Bangalore.

The site surrounding the Makkan appears to have been of considerable extent and from time to time, portions of the site and buildings thereon appear to have been alienated by the proprietors or managers of the institution. The Government also acquired a portion of the site for public purposes in 1901-02 , and several persons claimed payment of

compensation

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E. Office

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compensation

compensation. On a reference to the Civil Court in O.S. No. 567 of 1901-02 in the Court of the Sub Judge, Bangalore , an award was passed for Rs.1000/- with 15% thereon to be divided in certain shares among the several claimants.

In that suit the Amildar of the Bangalore Taluk --- representing the Mugrai Department contended that the amount - of compensation awarded should be utilized only for purposes - of the Makkan and that no one else had any claims to it. The Sub Judge in paras 13,17,21,to 24 of his Judgment, discussed - the question of the inalienability of the lands in question -- and decided that they were alienable and that the compensation awarded therefor should be distributed among the claimants in certain proportions.

Two of the Judgment Creditors have now taken out execution against the Deputy Commissioner for payment of the ---- amounts of compensation awarded to them.

The only point for consideration is whether the Sub - Judge's decision as to the alienability of the site surrounding the Makkan is valid and should be accepted or whether steps should be taken to have it set aside on the ground of the Makkan being - a religious institution and the site attached to it therefore inalienable.

In the proceedings before the Civil Court the original sannad of His Late Highness Sri Krishnaraj Oodeyar granting the - site to Sydani does not appear to have been produced and the evidence as to origin and history of the institution consisted of -- the statements of certain aged persons who professed to have --- known the deceased Fakirni. The Sub Judge has discussed the --- history of the institution and the law applicable to the case in para 8 of the Judgment in O.S.456 of 1894-95 and in para 7 of -- the Judgment in O.S.52 of 1894-95.

The question raised in the present case is of a peculia nature and similar questions are not unlikely to arise in connec-

tion with other Mahomedan institutions of a similar kind. The case is not covered by Notification 266 of 17th November 1877, relating to the resumption of alienated Devadaya inams, as -- the Notification relates to the alienation of lands endowed - to religious institutions for their support, and not to the - actual site surrounding such an institution and not an essential part of it. Even if it does apply, it has to be considered how far it will override the provisions of the Mahomedan law - of gifts. In the present case, the tomb of the Fakirni for the -- upkeep of which certain Inam lands have been given by Government, is intact.

The vernacular records of the case are herewith --- forwarded, and if necessary the Civil Court records referred to may be obtained from the Central Records. The favour of early orders and instructions is requested.

I have the honor to be,

Sir,

Your most obedient servant,

Balasundaramayya

for Deputy Commissioner,

Bangalore District.

B.N.S.

In the Court of the Sub Judge at Bangalore.

P r e s e n t.

P. Singara Charier, Esquire, Sub Judge.

Bangalore the 4th June 1903.

Original Suit No.567 of 1901 - 1902.

Plaintiff.	Defendants.
The Deputy Commissioner, Bangalore District.	The Bangalore Taluk Amildar in the Muzrai Department. 2. Gulam Rassul Khan. 3. Mahomed Ebrahim Sab. 4. Cheluvamma. 5. Giriyamma by mother and -- guardian Bachamma & Nanjundappa 6. Subbanna , deceased by his -- representative. Tirumalu. 7. Ismail Sab. 8. Fatmabee.

J U D G M E N T.

The suit is for adjudication between the rival claimants of the compensation of Rs.918-4-0 tendered by the Deputy Commissioner for having acquired certain buildings and vacant lands belonging to Sydani Makhan at Bangalore for the use of the Victoria Hospital. One Gulam Rassul Khan and Mahomed Ebraim, purchasers of certain vacant lands and buildings, claiming compensation of Rs.5000/-; one Cheluvamma a mortgagee of a building claiming Rs.130/-; one Bachamma guardian of Giriyamma minor widow of Malur -- Yellappa mortgagee of one of the buildings claiming Rs.90/- and one Subbanna mortgagee claiming the balance after paying ~~the~~ Rs.40/- to the mortgagee.

2. The 1st Defendant filed the following written statement

(1) That a sum of Rs.918-4-0 being the compensation awarded by the Deputy Commissioner for the acquisition of certain building - and land pertaining to Sydani Makhan situate at Thattinabagalu - adjoining the Mysore Road utilized for the extension of Victoria Hospital has been deposited in the Savings Bank as per Deputy -- Commissioner's Order No.319 dated 12th March 1901.

(2) The erection of the Makhan is to be met by the said amount and the balance is to be utilized for lighting expenses of the - said Makhan.

(3). That as the said Makhan is under the Muzrai management, -- the said amount is only to be utilized for and on account of the said Makhan and none else has got a right over it and no body is entitled to get.

(8). The 2nd & 3rd Defendants pleaded as follows:-

(1) That the land and building acquired in this case do - not belong to the Muzrai Department. This is an in- alienable Inam and as such belong to Sydani Fakeerni - and their descendants with whom the right of alienation was vested.

(2) That the said Sydani Fakeerni and their family were - enjoying the said properties as their own and from time to time were erecting certain buildings on the site and have also alienated certain portion by way of mortgage, sale, etc.

(3) That out of the properties acquired by the Government - Item No.1 as per schedule filed with the previous written statement was sold to Abdul Kadhar Sab and from him sold to others and at last on 9th December 1889 sold by Mahomed Yacoob Sab in favor of Hajee Sheik Ahamed Sab for Rs.800/- That the entire land is acquired by the Government.

(4) That out of the properties so acquired by Government , - Item No.2 of the said schedule was sold for Rs.500/- on 29th January 1890 by the owners Fackrulla Sha, Khader Sha and Fatmabee , in favor of the deceased Hajee Sheik Ahamed Sab. The Government has also acquired this entirely.

(5). That of the properties acquired , Item No.3 of the same -

schedule

schedule was sold for Rs.900/- on 9th June 1892 by the owners Fuckrulla Sha, Khader Sha, and Fatmabee in favor of the deceased Sheik Ahmed Sab. The Government has acquired the entire land save 5 Ankanams in a corner.

(6) That the said Sheik Ahamed Sab had full right over the above said 3 Items and has been enjoying the same by leasing it. He died in the month of December 1895. After his death his son Mahomed Abdu Abdulla Sab sold his right title and interest in the same to 3rd Defendant Mahomed Ebrahim Sab, to erect a Madarasa on the spot. The other representatives of Mahomed Ebrahim Sab conveyed their right title and interest in the same with their other properties to Gulam Rassul Khan Sab 2nd Defendant. Thus the Defendants are the rightful owners of the same. That either the Muzrai Department or others have no manner of right in them.

(7) That the award granted by Government is too low. That Hajee Sheik Ahamed Sab had purchased the said properties for Rs.2200/-. That at the time of their acquisition they were worth more than Rs. 2200/- The measurement given by the Government is not correct.

(8) That Fackrulla Sha, Khader Sha and Fatmabee, descendants of Sydani descendants who had conveyed Items 2 & 3 of the schedule to -- Hajee Sheik Ahamed Sab are saying that no body has a right to -- alienate them simply because to defraud Defendants. Hence their contention is not valid.

(9) That Item No.1 had a stone built well and the Items 2 & 3 each -- had a mud well in them. The stone built well was worth about - 80 Rupees and the mud wells each worth 30 Rupees. Item No.3 of the schedule had an Ippe tree wotth Rs.30/-

(10). That though the schedule Items had been sold to Defendants for a lower sum for erecting a Madarasa still they were worth more than Rs.2200/- Rs.30/- for Ippe tree and such other sum that amount to at 15% per acquisition.

The 5th Defendant's guardian stated as follows:-

(1) That one Subbanna son of Marate Nanjappa was the owner of the house No.62, consisting of 10 built Ankanams & the tiled veranda in front of Moosa Mea Makhan at ----

Thattina

Thattina Bagal.

(2) That the said land was an Inam land for the past 30 or 40 years which was hypothecated for Rs.40/- in favor - of deceased Yellappa after executing a registered bond.

(3) The principal and interest has not been paid. The --- Government has acquired the said land for road. During the life time of Subbanna he had presented a petition- to say that the compensation amount may be paid to us as hypothecatees. He has no other property than this land.

Therefore the Defendant prays the compensation awarded for the said house may be given to them. If the title deed is necessary it will also be produced.

The 7th Defendant's written statement was as follows:-

(1) That the house and vacant site now in dispute -- taken up for Victoria Hospital belong to Sydani Makhan.

(2) The said Makhan land was endowed by H.H.the late Maharaja Krishnarajendra Bahadur to one Sydani -- Fakeer through an Inam Sannad. Since then according to Mahomedan law the said land was utilized for - charitable purposes by the said Fakeer, and after his death , the descendants of the 7th Defendant improved the Kabaresthan, perform pujas and have always -- been worshipping them.

(3) The 7th Defendant's fostered father Mahomed Moosa was worshipping the said Makhan during his life - and died of plague in the year 1898.

(4) That after the death of Mahomed Moosa, the caste - people of the said Makhan entrusted the management of the same to 7th Defendant. and executed a registered General Power of Attorney dated 10th March 1899, in his favor. The said power has been filed in Criminal Case No.276 of 1900-01 on the file of the City Magistrate's Court. The Defendant has applied for - the return of the same and as soon as he gets back - he will produce it.

(5) That Gulam Rassul Khan and Mahomed Ebrahim Sab who have now come forward to say that they are claimants for the compensation amount, have no manner of right in the same. The Defendant is not aware of the conveyance of certain portions of house and vacant site made by Abdulla Sab, son of Hajee Sheik Ahmed Sab, in favor of Gulam Rassul Khan and Mahomed Ebrahim Sab. Though the sale deed is in existence, it is not valid. The said Hajee Sheik Ahamed Sab or Abdulla Sab have no right in the house and vacant site or Makan and --- that the said Makan was never in their possession.

(6) That Cheluvamma and Giriyamma by guardian Bachamma, Nanjundappa and Subbanna have no manner of right in the compensation amount. The Mussalmans have no sort of right in alienating the Makan , its house and vacant sites. Thus the - mortgage and sale in favor of Cheluvamma and others are not valid.

(7) With the exception of the 7th Defendant none else has a -- right in the said Makan. Therefore he prays that the compensation amount and Court Costs may be awarded to him

The 8th Defendant filed the following written statement:-

(1) That the Government has acquired a portion of Sydani Makan belonging to this Defendant for the extension of Victoria Hospital tendering a compensation of Rs.918-4-0 which has - been deposited in the Savings Bank through the Amildar of Bangalore on a condition of receiving interest on the same for the Makan lighting expenses.

(2) That as the said Makan is a Jari Inam, it is not liable to sale or mortgage. That the sale and mortgage to Defendants 1 to 7 are not maintainable.

(3) That as per clause B para 2 of the proclamation No.266 dated 17th November 1877, the said Makan is not liable to sale or mortgage, the sale and mortgage in favor of other Defendants are to be set aside.

(4) That as the said Makan is under the management of Government this Court has no jurisdiction to try this suit.

(5) That the Defendant has filed a written statement setting --- forth

Exhibit 5 rental Deed also between them , which were duly registere

forth the same reasons to the Deputy Commissioner on 4th March 02 together with the endorsement of the Muzrai Secretary, which may be perused and case decided.

(6) For these reasons the Defendant prays that the contention raised by the other Defendants may be set aside - and he may be awarded his costs.

7. The suit came on for settlement of Issues on 27th November 1902 and the following Issues were framed.

(1) What is the fair compensation to which 2nd and 3rd Defendants are entitled? Rs.918-4-0 or Rs.2300/-?

(2) Whether the alienations in favor of Defendants 2 & 3 and the predecessors in title and Defendants 4th, 5th and 6th and other predecessors are void so as to disentitle them to claim any compensation and are they binding on 7th and 8th Defendants is not void?

(3) Is 7th Defendant entitled to the money tendered by the Plaintiff by way of compensation?

(4) What is the character of the money the proceeds of the lands taken up ? should it be set apart for purposes of the Makan or paid to the Defendants, who - claim ?

8. The suit came on ~~for~~ for final disposal on the dates noted - in the margin.

15-1-03.
28-2-03
28-3-03
26-5-03 &
29-5-03.

9. The Plaintiff examined no witnesses but filed the following Exhibits :-

A. Entry in Inam Register page 264 .

B. Account Book.

10. The 2nd and 3rd Defendants examined the following witnesses :- (1) Sheik Imam Sab ; (2) Mohodeen Beg ; (3) Mir Mahomed Gouse ; (4) Jannilabudeen ; (5) Abdul Kareem Sab ; (6) Sheik Hyder Sab ; (7) Mahomed Hoossain Sab ; (8) Mahomed Abdul ; (9) K. R. Subba Rao ; (10) Narasinga Rao ; (11) Ram Sing ; (12) Mahomed Ebrahim.

11. The following Exhibits were filed on behalf of Defendants;-

I. Registered sale deed dated 9th June 1892 executed by - Fatmabi and her sons Fuckrulla Sha and Khader Sha in - favor of Hajee Ahamed Saib.

II. Registered sale deed dated 29th January 1890 executed by Fathmabi and her sons Fuckrulla Sha and Khader Sha.

III. Registered sale deed dated 9th December 1890 executed by Mahomed Yacoob Sab in favor of Hajee Ahamed Sab.

4. Registered deed of mortgage dated 16th September 1891 executed by Mahomed Yacoob Sab in favor of Hajee Ahamed Sab.

5. Registered rental deed dated 16th September 1891 executed by do to do.

6. Karar dated 15th June 1892 executed by do to do.

7. Rental deed dated 15th June 1892 executed by do to do.

8. Stamped Receipt dated 15th October 1891 executed by -- Fathmabee and her sons Fuckrulla Sha and Khader Sha in favor of Hajee Ahmed Sab.

9. Stamped receipt dated 29th January 1890 executed by Gun Maker Ram Sing in favor of Hajee Ahmed Sab.

10. Registered mortgage deed dated 28th May 1890 executed by Fathmabee , Fuckrulla Sha and Khader Sha in favor of Syed Mahomed Gouse Razavi.

11. Rental deed dated 28th May 1890 executed by Mahomed --- Moosa in favor of Syed Mahomed Gouse Razavi.

12. Deed of hypothecation dated 1st December 1890 executed by Fathmabee , Fuckrulla Sha and Khader Sha in favor of Syed Jainulabudin Sab.

13. Rental deed dated 1st December 1890 executed by Fathmab- Fuckrulla Sha and Khader Sha in favor of Syed Jainula- budeen Sab.

14. Registered sale deed dated 12th September 1900 executed by Jahirabi and 9 others in favor of Gulam Rassool Khan Sahib.

15. Registered sale deed dated 21st September 1906 executed by Mahomed Abdulla in favor of Mahomed Ibrahim.

16. Registered mortgage deed dated 6th August 1884 executed

by

by Fathmabi and Fuckrulla Sha in favor of gun maker Ram Sing.

17. Copy of registered deed of mortgage dated 8th October 1888 executed by Fathmabi, Fuckrulla Sha and Khader Sha in favor of gun maker Ram Sing.

18. Registered deed of sale dated 3rd March 1872 executed by Hoossain Sha in favor of Abdul~~l~~ Khader Sab.

19. Copy of Judgment in Canarese in suit No.15 of 1854 - on the file of the Munsiff's Court , Bangalore ,

20. Copy of judgment in O.S.No.14 of 1883 on the file of the District Judge, Nandidroog Division, Bangalore.

21. Copy of plan in O.S.No.592/93 on the file of the -- Munsiff of Bangalore.

22. Copy of judgment in O.S.No.645/93-94 on the file of the Munsiff , Bangalore .

23. Copy of judgment in O.S.No.52 of 1894-95 on the file of the Munsiff , Bangalore ,

24. Registered mortgage deed dated 8th July 1883 executed by Fathmabee and Fuckrulla Sha in favor of Thavakal Saib.

25. Registered deed of management dated 10th March 1899 -- executed by Modeen Sha and 2 others in favor of Mahomed Ismail Sab.

26. Copy of judgment in O.S.No.54 of 1894-95 on the file of the Munsiff of Bangalore.

27. Copy of judgment in O.S.No.298/90 on the file of do to do.

28. Copy of judgment in O.S.Nos.5 & 6 of 1895-96 on the file of the Chief Court of Mysore.

12. The first point in dispute in this case is the amount of compensation tendered by Deputy Commissioner and refused by Defendants 2 & 3. The Deputy Commissioner offers Rs.918-4-0 but the said Defendants claimed at the onset Rs.5000/- and now claim Rs.2370/-. This is the first point for determination.

13. The next important point raised is the contention on the part of the 1st Defendant, the Amildar of the Bangalore Taluk, as representing the Muzrai Department, that the houses etc. taken up were inaliehable by reason of their character as Service Inam and Charitable property. The Plaintiff does not seem to con-

cern

cern himself about this contention as will be seen from the letter of reference which is the plaint in the case. The 7th and 8th Defendants, who ~~call~~ now call themselves managers under a document called Power of attorney from Fakirs and claim the sum which is tendered by the Deputy Commissioner. These do not dispute the amount of compensation fixed.

14. It must be remembered that the 7th Defendant is the son of Moosa Mea, who figured as Defendant in O.S.NO.54 of 1894-95 of Bangalore Munsiff's Court and Appellant in A.S.NO.6 of 1895-96 of the Chief Court and whose position was declared only as that of a -- tenant under the grantors to the 2nd & 3rd Defendants. The --- Judgments in these cases clearly shew that the 7th Defendant had no manner of right to the property in dispute taken up by the -- Plaintiff.

15. It may also be necessary now to state that the 8th Defendant, who contended in vain that the Makan properties were inalienable now gives up all such contentions in her own right and claims as --- manager for Fakirs just as the 7th Defendant.

16. The 7th & 8th Defendants who claimed rights in the sites and --- buildings and failed have now joined hands as managers look to - the Muzrai Department for the help as last resort.

17. The question of alienability or otherwise of part of the property with which Defendants 4 to 6 and 8th Defendant are concerned was decided by means of judgment in Original Suit No.592 of 1893 on the file of the Court of Munsiff of Bangalore which was confirmed in appeal by the Chief Court and exhibit 17 judgment Narasappa vs Fathmabi. The judgments are conclusive and binding on the 8th Defendant. It is apparently, therefore Fathmabi, 8th - Defendant gives up her contention of inalienability of the sites and under the assumed and different title of Manager she agitates the same question through the 1st Defendant. Judgments NOs.26 - 54 of 1894-95 cannot but shut up the 7th Defendant who is the son of the judgment debtor.

18. In this connection I may also state the rights between Hajee Ahamed Sab from whom 2nd & 3rd Defendants derived their title and the 8th Defendant and her sons, Exhibit I sale deed between them and - Exhibit 5 rental Deed also between them , which were duly registered

~~it~~ reduced the position of 8th Defendant to that of a tenant and vested said Hajee Ahamed with rights of a proprietor. Lease-deed No.5 is proved by Defendants 1st , 5th and 9th witnesses. - No.I is proved by Defendants witnesses Nos.1 , 5 , and 10. There are no grounds whatever to distrust these witnesses. These ~~are~~ documents ~~are~~ quite set at rest the contention of 8th Defendant as against the Defendants 2 & 3. The title of Hajee Ahamed Sab or that of his successors in title viz 2nd and 3rd Defendants -- cannot be questioned by the 8th Defendant, except perhaps through 1st Defendant regarding the validity.

19. The 6th Defendant Subbanna claims 40 rupees, the balance after paying the mortgagees who are Defendants 5 & 6, Rs.90/- out of the Rs,130/- being the mortgage amount. The 4th Defendant claims Rs 130,

20. The 1st question for determination in this case is, what is the amount of compensation payable to Defendants 2 & 3. The 2nd & 3rd Defendants claim the sale prices under Nos.1,2 & 3 amounting to Rs.2200/- and Rs.100/- more being 15%, thereon, for the compulsory acquisition. The said sale deeds, which came into existence long before the comtemplated acquisition and which are not seriously disputed by the contending parties have been satisfactorily established. Exhibit I is established by 2nd & 3rd Defendantss 1st & 5th and 10th witnesses; exhibits 2 & 3 by 1st & 2nd witnesses. The Defendant's 7th witness - who is the representative of the owner of the houses, stated that each house fetched 7 or 8 rupees by way of rent and it - is established that about 2½ houses were taken up. The 10 years rental thus comes to Rs.2160/- It must be remembered that - the houses were all very old and situate in the most dirty - and damp quarters. In fact at the time they were acquired they had no appreciable market value and the value of the houses - fell far below the prices paid by the owners. The 2nd and 3rd Defendants should thank the Government for having taken up -- these lands and deteriorating houses and paying so much Rs.,000/- and odd. Taking into account the trees, wells etc. I think a price of Rs,1000/- with 10% for the acquisition - makes compensation, fair as the rates of the locality - at the time of the acquisition. The value set by

the

the Defendant's witnesses is merely a guess in accordance with the limit of the claim of the Defendants. If the Defendants - stick to Rs.5000/- as they originally claimed the witnesses -- would have naturally sworn to that figure. Judging by the --- nature of the locality and the time and the market rate , I find on the 1st Issue that 2nd & 3rd Defendants, who are in the shoes of Hajee Sheik Ahamed Sab, the purchasers from 8th Defendant and others are entitled to the compensation.

21. The next point for determination is, whether the houses taken up were inalienable as " Devadayam" or charitable property. As I -- have stated and as previous Proceedings shew all atttempts of the 8th Defendant and others to set aside their alienations to the -- predecessor in title of 2nd & 3rd Defendants and Defendants 4 to 6. The burden of shewing under all the circumstances that the -- houses were inalienable lay on the 1st Defendant as representative of the Muzrai Department, Beyond filing 2 entries of Government accounts the 1st Defendant did nothing. The entries in my opinion are not sufficient to establish the contention raised. Exhibit A shews that a dry land Survey No.14 in Ulsoor in Ulsoor Hobli - is shewn as Devadayam, as given for the benefit of Sydani Makkan. Such an entry does not establish what kind of property are the -- houses in dispute though near such a Makkan. Among Mahomedans - there are Royal grants which are alienable and inalienable. Personal grants form hereditable and alienable property. There is nothing to show for what purpose and with what intention the land on which the house stood was granted to Sydani Fackeerni. The --- existence of tombs on a land does not bar partition except as to the actual spot covered by the tombs .Vide Grady's Mahomedan Law page 222.

22. Exhibit B is another entry of similar character but it shews that the Inam Land in spite of its character was mortgaged to Garudachar and this is to the knowledge of the Government. Garudachar seems to have obtained a decree also (Exhibit 20). This entry - far from supporting the 1st Defendant's contention proves that -- the Government itself was an acquiescing party to the alienations of the dry lands themselves. These entries do not necessarily -- prove that the suit houses which are in Bangalore City are Devadayam

dayem property and are inalienable.

23 Further, the parties who sought in vain to establish the inalienability of the houses, the sale proceeds of which are- in dispute, and who now seek to do the same through the Muzrai Department treated the property as alienable and they have -- endlessly alienated the properties, other than the portion on which a tomb stands and the portion reserved for putting up a Panja or Hand at the Moharam.

24. I hold, therefore, that the houses were not inalienable as alleged by the 1st Defendant. The alienations are binding on Defendants 1 , 7 & 8. They cannot claim the compensation tendered and paid as it represents the value of the alienable properties to which Defendants 2 to 6 were entitled in their - respective rights. This is my finding on the 2nd & 7th Issues.

25. Upon the findings recorded by me a finding on 4th Issue - is unnecessary. Even if wanted the amount of compensation as sale proceeds of alienable property should be paid to the owners at present,viz, 2nd & 3rd Defendants. The 4th & 5th Defendants claim Rs.90/- of the amount as mortgagee and late 6th Defendant's representative claim Rs.40/- as mortgagor.

26. In conclusion there will be an award of Rs.1000/- and 15% thereon from the date of acquisition for the houses taken up.- Out of this sum a sum of Rs.90/- will be paid to 4th & 5th Defendants and Rs.40/- to 6th Defendant Thirumali and the balance to 2nd & 3rd Defendants. The costs of ~~4th~~ 2nd & 3rd Defendants - will be paid by 7th & 8th Defendants
" who are at the bottom of the contention as to the alienability of the houses. The Plaintiff, 1st Defendant and Defendants -- 4 to 6 will bear their own costs.

Pronounced in open Court. 4th June 1903.

Fair Copy.

(Sgnd) C. Subba Rao.

Offg. Sub Judge.

" C o p y ".

for Deputy Commissioner,

Bangalore District.

B.N.S.

X

514

No. 28360/3.1.06

Enc. 1 file No. 470/1901

Supdt. of Immigration
The Protector
Assistants
Calcutta in charge

Sir

I am directed to forward herewith the entire file ending with the Bangalore Dy Comr's letter no 38 dated 15th November 1905 together with an Office-note regarding the compensation amount awarded for the Lydenburg workmen in the Bangalore City, and to request the favour of your opinion as to whether

with reference to the Immn Rule

~~the proposed agreement~~

~~the decision of the Govt~~

the land in question which
belongs to the marksmen is
an alienable property
and whether the compensation
amount paid therefor
can be ~~limited as property~~ paid to
~~to~~ the Defendants for their
personal benefit.

2. In giving your opinion
in this case the authority ~~is~~ upon
under which the Defendants
Crown lands are treated
as inalienable properties
may also be kindly quoted
for reference -

~~A copy of the~~

3. ~~The~~ The favour of a very
early reply is requested

~~decision of the~~

~~Land Judge~~

I have the

22/12/05

Secretary
Irrigation Department
Colombo

Dft:

No. 2837/3.1.06.

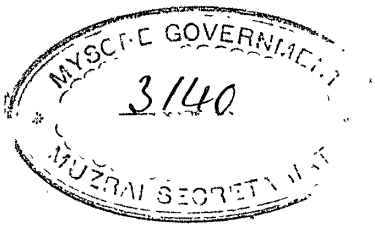
Copy is forwarded to the Dy Commr, Bangalore District, with reference to this letter no 38 dated 15th November 1905.

B

22/12

Dy Commr

22/12/05



SL 15

1906

From

The Superintendent of Darkhast Settlements in Mysore

To The Secretary to the Government of Mysore Muzrai Department

Dated 23rd
Despatched 23rd } January
Received
General No. 94
No.

Enclosure No. File

Stating that the lands on which Syedana makkan in the Bangalore City is situated are not Inam

Refer
Ks
23/1/06

with the [illegible]

57.06
is not with me.
7.1.06.
amadin Dcare Tasildar
2.06.

Sent with a Dft to Dr. Bangalore
4/2/06

No. 94
in file

From Superintendent's Office.
Bangalore the 23rd January 1906.

To,

The Secretary to the Government
of Mysore
Mulgrai Department.

Sir,

With reference to your letter No. 2836 dated 3rd January 1906, regarding the Saidani Makkan lands in the Bangalore Taluk, I have the honor to state as follows.

2. The makkan had been endowed with Inam lands in Doddabanlakkana village of the Bangalore Taluk, but they were taken up for Model Farm (vide remarks in the Jaravi Patrike based on the Bangalore Taluk Amildar's report No 18, dated 7th April 1880). Thus the makkan has no lands at present.

3. The question at issue is whether the amount of compensation awarded for site and vacant ground surrounding the makkan in the —

Bangalore

Cover

Bangalore, city and which were taken up for widening roads &c, may be paid to the makkandars. This Department is unable to answer this question, as the lands surrounding the makkan are not Inam lands.

4. The land referred to in the Deputy-Commissioner's letter, as belonging to the makkan belongs to Attavala Sha dargah and not to the one in question. This mis-take, originated in the Amildar's Memo of 7th January 1902, seems to have been main-tained throughout the proceedings.

5. There is no express Government order or authority regarding the alienation of Devadaya lands beyond what is in the Inam Rules and the Revenue Manual.

6. The file of papers received with the letter under reply is herewith returned.

I have the honor to be,
Sir,
Your most obedient Servant.

Superintendent of Inam
Settlement in Mysore

To

No. 3368 of 17.2.06.
Enc. one and one file.

To

The Dy Commr
Bangalore Dt.

Sir,

Adverting to your letter No. 38 of 18th Nov. 1905 & in continuation of this office No 2837 of 3rd January/March 1906 regarding the compensation amount awarded to the Syedani Makkam in Bangalore city, I am directed to forward herewith copy of letter No. 94 of the 23rd Jan.y 1906 from the Superintt of Inam Settlement, and invite Your attention

& para 4 thereof wherein
it is stated that the land
in question belongs to
the Attavala Sha Dargah
& not to the Syedani Makkam,
the mistake having originated
in the Tahildar's memo of
7th Jan.y 1902.

2. Under the circumstances
now brought to light,
I am to request the favour
of Your furnishing Your
opinion in regard to the
action You would propose
to take in the matter.

3. The Kerai Records
are herewith forwarded

Cover

& reply + resubmission
together with the info
called for at an early
date.

Thank you

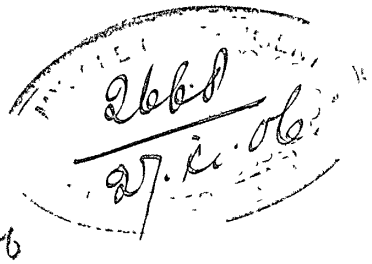
12/21/06
Legislative Affairs

10/2/06

8/2/06

8617

1906-07



From The Deputy Commissioner Bangalore District.

To The Secretary to the Government of the Mysore Department.

Dated 24th
Despatched 27th } November 1906
Received

General No.
M.S. No. 95

Enclosure No 1 file ??

Furnishing further particulars with opinion regarding the compensation amount awarded to Lydam Makun in the OS Bangalore City

29/11/06
C
1/12/06
Please return the more
Submitted with a draft
by 4/12/06

M 1795

Bangalore District
Deputy Commissioner's office
Dated 24th November 1906.

From

H. H. Sharkey Esquire
Deputy Commissioner
Bangalore District.

To.

L. Anantasami Rao Esquire, B.A
Secretary to the Government of Mysore,
Revenue Department.

Sir,

With reference to your No 3368 of the 17th February 1906, calling for further particulars with opinion regarding the compensation amount awarded to Syadami Makkan in Bangalore City, I have the honor to state that the land referred to therein viz Survey No 14 of Doddabillekane is reported by the Amildar to be at present in the possession and enjoyment of the manager of the Syadami Makkan. The Shanbhogs statement to the effect that the land is in the enjoyment of the Syadami Makkandar and that it is he who is all along paying the Government dues thereon is enclosed in the records. It is not possible to say as to how the

Survey No has been entered in the Inam account as belonging to a Kavata Shabarga. It has separate lands endorsed as detailed in the margin. ×

Survey Nos 2, 100 & 78

2. Further even according to the Inam Superintendent's letter, the Institution had some lands acquired some time back for the model farm. That the Institution is to be classed therefore as mezrai Institution seems to be quite indisputable. As such, the lands endowed therefor cannot be considered alienable. The commutation amount granted by the Municipality cannot be claimed by others

3. As the Sub Judge is pressing for the execution of the above early instructions are solicited.

4 The Vernacular file ending with Bangalore Taluk Amildar's No 12 dated 26th October 1906 is forwarded herewith for reference.

I have the honor to be
Sir,
your most obedient Servant

Illegible

for Deputy Commissioner
Bangalore District

W. Circ D

Sl 18

To,

The Superintendent of
Inam Settlements

No. 3077 dt 8.12.06
Encl one to one file

Sir,

Adverting to your
letter No. 94 dt 23rd January
1906, I am directed to
forward herewith copy
of letter No. 95 dt 24th
Nov. 1906 from the Dy
Comm. of the Bangalore
District, together with
the Vernacular records
received therewith, and
to request information
on the circumstances now
brought to light as to

(to be obliged to be returned)

whether land Sur. No 14
of Doddabidarakkene is
not an impediment in the
enjoyment of the Eydgah
Makkah in Bangalore city

2. The favour of
an early reply is requested
as the question of the
payment of the compensation
amount is of a pressing
nature.

Thanking you

Yours faithfully
7/12/06
Secy Muzrai Dept

To
The Deputy Commr., Bangalore Dist for info
with ref. to his letter No 95 dtd 29th Nov. '06

By order
Secy

4/12/06

Urgent — 819

1907-08

837/1807

From
The Deputy Commissioner
Bangalore District

To
The Secretary to the
Government of Mysore
Mysore Department

Dated 17th August 1907

Despatched

Received

General No.

No.

Enclosure No.

Q. A. 21/8

Rec'd 17/8/07

Aft 21/8/07

In reference to this
office No 98 of 24th
November 1906 re the
compensation amount
awarded to Syed Ameer
Ali Akbar, Bangalore city,
and requests early reply

No. 96

Bangalore District
Deputy Commissioner's Office
Bangalore 17th August 1907.

From,

D. Devaraj Urs Esquire
Deputy Commissioner
Bangalore District

To

L. Anantasami Rao Esquire BA
Secretary to the Government of Mysore
Muzrai Department

Sir, I have the honor to invite
kind reference to this office No. 95
dated 24th November 1906, furnishing
further particulars, regarding the
compensation amount awarded
to Sydani Makkan, in the Bangalore
City, and to request that you will
be so good as to favor me with
an early reply in the matter,
as the Sub Judge has again sent

a notice requesting to send the amount to the Court before the 30th August 1907.

I have the honor to be
Sir,
Your most Obedient Servant

[illegible]
for Dy Commissioner
July

W 20/8/07

2 Diffs.

Muz. 5]

GOVT. OF H. H. THE MAHARAJA
OF MYSORE.

MUZRAI DEPARTMENT.

190

From

The Secretary to the Government
of H. H. the Maharaja of Mysore.

To

The Superintendent
of Inam Settlements
Bangalore.

Dated

Despatched

Received

Enclosures No.

General No.

M. No.

This Office No. 3077 dated 8th December 1906 requesting information as to whether Sub: No 14 of Doddballapur is not an inam in the enjoyment ~~and subsequent remnder marginally noted~~ of the Sajedar of Nakkan in Bangalore City

---

Has the honor to draw attention to the above and to request ~~to be informed as to what action has been taken in the matter and when a reply may be expected.~~ the favor of an early

By Order,

25/8/07

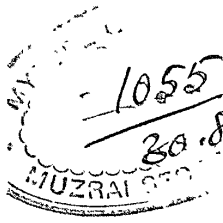
Secretary,
Muzrai Department.

10/8/07

No 35.

8/24

Inam Superintendent's
Office
Bangalore 28th/29th August 1907



From

D. Shama Rao, Esquire
Superintendent of Inam
Settlements in Mysore

Please continue the note
To
A/
omit to submit
matter for the
the Inam Supdt
be awaited

L. Anantasami Rao, Esquire B.A.
Secretary to the Government
of Mysore
Muzrai Department.

Sir,

With reference to your reminder docket No. 1118 dated 26th August 1907 requesting an early reply to your No. 3077 dated 8th December 1906 regarding the Inam land No. 5.14 of Dodbailkhane village in the Bangalore Taluk, I have the honor to state that the Amildar of the Bangalore Taluk who was asked to report on the matter, reported that although the land

on

in question, is Inam, it was wrongly noted in the Wahivat Patrik, as having been taken up for the model Farm, sent to the Survey Office for the preparation of the Jaraw Patrik. On this the Survey Superintendent was requested to furnish this Office with the revised Jaraw Patrik in accordance with the Amildar's report. The Survey Superintendent sent to the Amildar a fresh Wahivat Patrik for being correctly filled in and sent through the Deputy Commissioner. It has not been as yet received from the Deputy Commissioner. An urgent reminder has again been sent this day to the Amildar. On receipt of correct information from the Deputy Commissioner, needful will be done and the result re-ported to Government.

I

I have the honor to be
Sir
Your most obed.t servant

D Seeva Rao

Superintendant of Inam
Settlements in Mysore.

2 drafts
Vol Court

Mnz. 1 A]

190

From

To The Dy Commissioner
Bangalore Division

Dated
Despatched 26.9.07
Received
General No. 117
No.

Enclosure No.

Res no 22 D/17 August 1907 regarding the Compensation amount awarded to Syedani Makkan in the Bangalore City

In the reference to the above and in continuation of this Office no 2078 D/8 December 1906 has the honor to state that the

GPB—3,000—21-7 06

Enforcement of Iron Safe

an Inspector has been requested to furnish certain information regarding the assets of the Bank and that on receipt of a reply thereto the necessary orders will be passed on the subject.

In the meanwhile, the Official Liquidator is requested to take the needful legal steps for getting ~~to conclude~~ the execution of the decree passed to a further ~~decree~~ passed by the Subordinate Court of Bangalore and the Bank ~~is~~ ultimate is directed to pay the costs.

25/8/09

Secretary

25/8/09

ARCH. 1338 19.9.07 MUZRAI SECT.

Submitted in Continuation

19.9.07

1907-08

From
The Deputy Commissioner
Bangalore District

To
The Secretary to the
Government of Mysore
Muzrai Department

Dated 18th September 1907

Despatched

Received

General No.

M.S. No. 2

Enclosure No.

Muzrai Secretary's No.
1117 of 26th August 1907.

States that the Sub Judge,
Bangalore, intimates that
the Execution cases nos
145 and 178 of 07-08 have
been adjourned to 1st
June 07 and requests to
send necessary instructions in the matter before
the date fixed on ...

Bs

Bangalore District
Deputy Commissioner's office
Dated 18th September 1907

From
D. Devaraj Urs Iyengar,
Deputy Commissioner,
Bangalore District.

To.
T. Avantasaime Rao Iyengar B.A.
Secretary to the Government of Mysore,
Mysuru Department.

Sir,

With reference to your endt No 1117 of 26th August 1907, re the compensation amount awarded to Syedani Mahaboob on the Bangalore side, I have the honor to state, that the Sub Judge, Bangalore Division, intimates in his cros 264 and 265 of 4th September 1907, that the Execution cases cros 145 and 178 of 1907-08 have been adjourned to 1st November 1907, and to request that you will be so good as to send me necessary instructions in the matter before the date of hearing i.e. 1st November 1907.

I have the honor to be
Sir,
your most obedient Servant,

for Deputy Commissioner
Bangalore District

Draft as per orders
Murzai 9/24

To

The Govt Advocate,
Bangalore.

No. 1978 D/17.10.07
Encl file. 1
(2 Collections)

Sir,

I am directed to state that the Sydani Makkan is a Murzai institution situated near the Municipal Market in the Bangalore city. Besides the inam lands in the Doddaballkhane village of the Bangalore Taluk endowed to it for its support, the Makkan owned extensive sites around it, with shops to standing thereon some portions of these sites and shops appear to have been alienated by the managers of the institution, and some others were also acquired for public purposes in 1901-02, for which

latter, a sum of Rs 1,000/- with
interest at 15 per cent has been
awarded as compensation by
the Subordinate Judge of Bangalore.
Several persons applied to the Court of the
said Judge for payment of the
compensation amount awarded,
and the Amildar of the Bangalore
Taluk as representing the Muzrai
department, contended that
the properties of the Makkan were
inalienable and that therefore
the compensation amount should
be utilised only for the purposes
of the Makkan and that none else
had any claim to it. The Sub Judge
has however decreed that the
sites to are alienable and that
the amount of compensation
awarded by him should be divided

among the several claimants

2. The Deputy Commissioner of the Bangalore District in reporting the above facts states in his letter No. 38, dated the 13th November 1905, as his opinion that the Notification of 1877 (a printed copy of which is put up for ready reference) which legalises the resumption of Devadaya inam lands endowed to Muzrai Institutions for their support, does not apply to the present case where the lands alienated happen to be sites surrounding the Makkan and not forming an essential part of it, and that even if it does apply, it is doubtful how far it will override the [illegible]

of the Mahomedan Law of Gifts.

3. In these cases I am directed to forward herewith the file of papers on the subject, and to request the favour of your opinion on the question raised by the Deputy Commissioner in his letter of the 13th Nov 1905 referred to above. As some of the judgment creditors are reported to have taken out execution proceedings against the Deputy Commissioner, for payment of the compensation amount, I am to request the favor of your reply at an early date

(Done & send the Note)

I have &c

Sd) 10/10/06

Secretary

10/10/06

Office of the Government Advocate in Mysore

Bangalore dated, 26th October 1907

From,

The Government Advocate in Mysore,

Bangalore.

To,

The Secretary to the Government of H.H. the

Maharaja of Mysore Muzrai Department

Sir,

In reply to your letter No.1978 dated 17th Instant I have the honour to state that as the makkan in question has been held by the Subordinate Judge to be a private property, it is but right that the value of the site of the makkan should go to the heirs of Sydani, the original proprietress. The Government cannot claim the amount simply because they endowed the private institution with an inam.

2. Now that the makkan itself has disappeared, the Government is at liberty to resume, if it has not already ~~been~~ resumed, the inam granted for its up-keep.

I have the honour to be

Sir,

Your most obedient servant.

S Narayana Rao

Government Advocate.

1907. 8.

From
The Dy. Commissioner
Bangalore Dist

To
The Secy. to Govt. of Mysore
Mazrai Dept.

Dated 18
Despatched November 907
Received
General No.
M-S No. ~~90~~ 40
Enclosure No. one

X
Speedy please

SA
19/11/07
M

Submitted in Continuation

19/11/07 Subd
Note continued
SA

This office No. M.S. 35 of
18.9.07.

Solicits early orders
re compensation award
to Syedani Makkan
the Bangalore city

S No. 4
E

Bangalore District
Dy. Commissioner
18 November 1907

From D. Devaraj Urs Esquire
Dy. Commissioner
Bangalore Dist

To
A. Anantasami Rao Esq. B.A.
Secretary to the Govt. of Mysore
Nagrai Deptt

Sir

In continuation of this office letter No. 35 dated 18 September 1907 I have the honor to forward herewith copy of docket No. 399 dated 1st Instant, from the Sub Judge Bangalore, and to request that orders may be passed as the Sub Judge has adjourned the Execution cases Nos 145 and 178 of 1907-08 to the 4th December 1907 for the last time

re. the compensation amount awarded to Sydani Makk

I have the honor to be
Sir,
Your most Obedt. Servant
D. Devaraj
Dy. Commissioner

Docket No. 399 of 4 November 190)

From the Sub Judge, Bangalore

to the Dy. Commissioner, Bangalore

District.

In continuation of this Office

Nos. 264 and 265 dated 7th

September 190), I have the honor

to state that Execution cases Nos

145 and 178 of 190)-08 on the

file of this Court have been

adjourned ~~to~~ 6 December 190)

for ~~the~~ last ~~time~~. It is therefore

requested that the Dy. Commr's

Diener will be so good as to send

to this Court the amounts due

towards the two applications, as

early as practicable before the

said date of hearing, as no further

adjournment can be granted

Copy

Dy Commr

Dy Commissioner.

mk

MYSORE GOVERNMENT
26
7-7-08
MUZRAI SECRETARIAT

No 155
Encls. 2 files

Sl 29

Inam Superintendent's Office,
Dated, Bangalore 25th/27th June 1908

The Superintendent of Inam
Settlement in Mysore

To

The Secretary to the Government
of Mysore, Muzrai Department

Sir,

With reference to your letter No. 3077 dated 8th December 1906, enquiring whether Survey No. 14 of Doddabailakhane village in the Bangalore Taluk is or is not an Inam in the enjoyment of Sydani Makkan in the Bangalore Aly, I have the honor to state as follows: ——

2. At the time of the preparation of the Khalsat-register, i,e., in 1880, the amildar of the Bangalore Taluk reported in his No. 18 dated 7th April 1880 that the Inam belonging to the Sydani Makkan was taken up for the model farm. Accordingly, it was resumed and no inam existed. On the

the receipt of the letter under reply, the en-
- closures were sent to the Amildar of the
Bangalore Taluk with this office order
No. 280 dated 25th February 1907 calling
upon him to explain why he reported
wrongly at the commencement. He admit-
- ted in his report No. 1265 dated 30th March
1907 that owing to a clerical mistake, it
was written that the Inam land (Survey no. 14)
belonging to the Sydani Makkan was
taken up for the Model Farm instead of
Survey No. 130 belonging to the Attavala Sha
darga. This correspondence was sent to the
Survey Superintendents' Office with yadi
No. 337 dated 9th April 1907 for Purvani
Jarar Patrik for registering the cases in
this Office Registers. After some correspondence
between the Survey Superintendents' Office and
the District and Taluk Offices, the Purvani
Jarar Patrik was received in this Office
on 20th January 1908. As the Vernacular
Correspondence was not returned from
the District Office, a requisition for its return
was made on 31st January 1908 and
it

it was received in this Office only on 18 May 1908.

3. The Inam belonging to the Sydani Makkan has been confirmed and that belonging to the Attavala Shadarga cancelled as mentioned in the Peruvam Jasav Patrik and the records. Thus the Makkan, in question, viz, Sydani Makkan possesses, as inam, Survey no: 14 of Doddabailakhane Village.

4. The Vernacular records received with the letter under reply (file No 1) and the subsequent Vernacular correspondence (file no: 2) are herein enclosed. It is requested that the subsequent-correspondence (file no: 2) may be kindly returned when no longer needed as it has to be filed in this office as a record for making the alterations in the Inam and Quit-rent Registers.

I have the honor to be
Sir
Your most obedient Servant

D. Krishna Rao
Superintendent of Inam Settlements in Mysore

2 Drafts

Draft for approval
Murrai
9/30

Read:-

Correspondence endorsed with letter No. 155, dated 25th June 1908, from the Superintendent of Inam Settlements in Mysore, reporting that Sur No 14 of Doddabailakhane village in the Bangalore Taluk endowed as Inam to the Sydani Makkan near the Victoria Hospital, Bangalore City, was not taken up, ~~for~~ the "model farm" as previously stated by him, but that Sur: No 130 of that village belonging to Attavulla Sha Durga was so taken up, and that therefore the needful corrections will be made in the Inam and Quit Rent Regrs with reference to those Instrs

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Order thereon

Recorded.

2. The revised Inam Regr should be ~~transmitted~~ to this Office

No. 8967 W/27.8.08.
Encl. one file each.

for record

CSB

Secretary

Wright

The Superintendent of Home

settlements in Mysore.

By comm. Bangalore DS

2 Drafts

Draft as per Gi order

Muz. 1] 81 31

190

From

To

The Deputy Commissioner
Bangalore District

Dated

Despatched 27.8.08

Received

General No. 898.

No.

Enclosure No.

Sir,

With reference to correspondence ending with your letter No. 40, dated 18th November 1907, soliciting orders in the matter of the payment to the several claimants of the amount of compensation awarded for the sites ~~acquired~~ of the Sydani Makkan taken up ~~for~~ in connection with the construction of the Victoria Hospital Bangalore City I am directed request that you will be so good as to send for the several claimants concerned ~~as the Commissioner~~ and

G P L—3,000- 19-9-07

use your good offices with them

and come to an understanding

as to how the money may be best

utilised for the benefit of the natives. I am also to point out (that as at present advised Govt cannot

that the compensation amount cannot be paid to the decree

2. An early report as to the holders to be spent as they

result of the action taken by them like.

is requested.

I have &c

C&R

6/8/08

for Secretary

to Govt

7/8/08